

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

In re Cablevision Consumer Litigation

This Document Relates To:

All Actions

Case No. 10-cv-04992 (JS) (AKT)

ECF Case
Electronically Filed

NOTICE OF MOTION FOR PARTIAL SUMMARY JUDGMENT

PLEASE TAKE NOTICE that Plaintiffs will and hereby do move this Court, the Honorable Joanna Seybert, U.S.D.J., in Courtroom 1030, United States Courthouse, 100 Federal Plaza, Central Islip, NY 11722, on a date and at a time designated by the Court, for an order pursuant to Rule 56 of the Federal Rules of Civil Procedure granting partial summary judgment declaring (1) that Cablevision's failure to provide a pro rata credit under Paragraph 4 of its Terms of Service in connection with the interruption of Fox channels in subscriber packages during the period October 16, 2010 through October 30, 2010 constitutes a breach of contract, and (2) that Cablevision's Terms of Service required Cablevision to provide a uniform pro rata credit to all customers who subscribed to a particular package.

In support of this motion, Plaintiffs submit herewith Plaintiffs' Local Rule 56.1 Statement of Material Facts, Plaintiffs' Memorandum in Support of Plaintiffs' Motion for Partial Summary Judgment, the December 3, 2012 Declaration of Carol S. Shahmoon in Support of Plaintiffs' Motion for Partial Summary Judgment and exhibits annexed thereto, and a Proposed Order.

PLEASE TAKE FURTHER NOTICE that Plaintiffs respectfully request oral argument.

Dated: December 3, 2012

Respectfully submitted,

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CERTIFICATE OF SERVICE

I, Carol S. Shahmoon, certify that a true and correct copy of Plaintiffs' Notice of Motion has been served via First Class U.S. Mail and by electronic mail to the below-listed attorney in charge for Defendants in accordance with the requirements of the Federal Rules of Civil Procedure.

Thomas H. Golden
Wilkie Farr & Gallagher LLP
787 Seventh Avenue
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Dated: December 3, 2012

Respectfully submitted,

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